

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JAMES HAYDEN,

Plaintiff,

v.

2K GAMES, INC. and TAKE-TWO
INTERACTIVE SOFTWARE, INC.,

Defendants.

CASE NO. 1:17-cv-02635-CAB

JUDGE CHRISTOPHER A. BOYKO

**DEFENDANTS 2K GAMES, INC. AND TAKE-TWO INTERACTIVE
SOFTWARE, INC.’S MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendants Take-Two Interactive Software, Inc. and 2K Games, Inc. (collectively, “Take-Two”) respectfully move this Court for an order pursuant to Federal Rule of Civil Procedure 56 granting Take-Two partial summary judgment that (1) Plaintiff James Hayden’s (“Plaintiff”) registrations for the Lion Tattoo on LeBron James, the Fire Tattoo on Danny Green, the Scroll Tattoo on Danny Green, and the Brother’s Keeper Tattoo on Tristan Thompson (collectively, the “Four Tattoos”) do not satisfy the Copyright Act’s pre-suit registration requirement, and (2) Plaintiff’s false statements in his applications to register the Four Tattoos constituted fraud on the Copyright Office.

The Court should grant summary judgment on both of those grounds because there are no genuine disputes of material fact on these two issues, and Take-Two is thus entitled to judgment as a matter of law.

Dated: October 31, 2023

/s/ Dale M. Cendali

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